

KAPLAN HECKER & FINK LLP

Direct Dial: (929) 294-2540

Direct Email: jdabbs@kaplanhecker.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/22/21

350 Fifth Avenue
Suite 7110
New York, NY 10118
(212) 763-0883
www.kaplanhecker.com

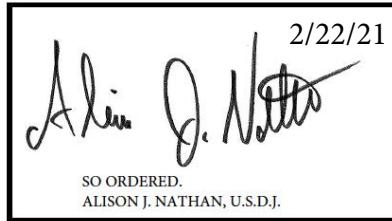
February 19, 2021

VIA ECF

Honorable Alison J. Nathan
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *U.S.A. v. Gordon*, 1:20-cr-00054-AJN

Dear Judge Nathan:



Sentencing in this matter is hereby adjourned to June 1, 2021 at 3:00 p.m. The Defendant's sentencing submission is due by May 25, 2021; the Government's sentencing submission is due by May 28, 2021.
SO ORDERED.

I write with the consent of the Government to request an adjournment of Mr. Gordon's sentencing, which is currently scheduled to take place on March 11, 2021, in the above-referenced matter. This is Mr. Gordon's first request to adjourn his sentencing. Mr. Gordon wishes to appear in-person for sentencing, which will require him to travel from Florida, where he currently resides, to New York. Given ongoing travel constraints and quarantine requirements mandated by New York State in an effort to address the ongoing public health crisis due to the COVID-19 virus, travel at the current time remains both dangerous and burdensome.

Mr. Gordon seeks to adjourn his sentencing for a period of approximately 90 days in the hopes that the public health situation will have improved during that time period, so that he can more safely and easily travel from Florida to New York, in compliance with controlling New York State COVID travel guidelines and standing orders and protocols published by the United States District Courthouse for the Southern District of New York.

To comply with New York State's current COVID-19 guidelines, Mr. Gordon would need to quarantine after arriving in New York. Specifically, to comply with New York State's current COVID-19 travel guidance, Mr. Gordon would need to either (a) quarantine for ten days upon arrival, or (b) obtain a negative COVID test within three days of departing for New York, quarantine for three days upon arriving in New York, and obtain a negative COVID test on the fourth day of his quarantine. *See* New York State Department of Health, *COVID-19 Travel Advisory*, Feb. 12, 2021, <https://coronavirus.health.ny.gov/covid-19-travel-advisory>. Similarly, to comply with the United States District Court for the Southern District of New York's Entry Protocol for Travelers, Mr. Gordon would need to provide proof that he received a negative COVID test five days after arriving in New York. *See* SDNY District Executive's Office, *SDNY Protocol for Travelers*, Feb. 5, 2021, <https://www.nysd.uscourts.gov/sites/default/files/202102/>

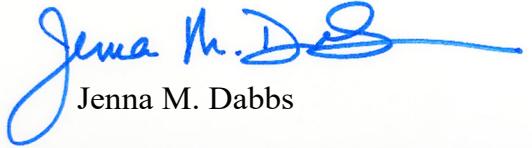
Entry%20Protocol%20for%20Travelers%202.4.21.pdf; see Second Amended Standing Order In Re: Coronavirus/COVID-19 Pandemic, Feb. 16, 2021, 21-mc-00164, Doc. 3 (barring entry to United States Southern District Courthouse to travelers from states noncontiguous to New York, unless “proof of compliance with the Court’s test-out protocol has been provided”).

Unfortunately, Mr. Gordon does not have a residence or family and friends with whom to stay in the New York area, and he cannot afford a multi-day stay to quarantine in New York. At the time of his arrest, Mr. Gordon was living out of his car. His financial circumstances have only deteriorated since the pandemic began.

Pursuant to the United States District Court for the Southern District of New York’s First Amended Standing Order relating to the suspension of in-person operations, criminal proceedings should be held remotely, unless the defendant does not waive the right to be physically present. See First Amended Standing Order In Re: Coronavirus/COVID-19 Pandemic Relating to the Suspension of In-Person Operations, Jan. 6, 2021, 20-mc-00622, Doc. 3. Mr. Gordon faces a significant potential prison sentence in this matter. Given the significance of this proceeding, Mr. Gordon wishes to appear in-person.

We ask that the Court adjourn Mr. Gordon’s sentencing to a date in May 2021, by which time we are hopeful that the public health circumstances and associated COVID-related travel guidance for New York State and the United States District Courthouse for the Southern District of New York will have changed. The Government consents to this adjournment request.

Respectfully submitted,



Jenna M. Dabbs

cc: Jacob Gutwillig / Elizabeth Espinosa
Assistant United States Attorneys
(by email)